

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

~ VS ~

JOHN W. GOLD,

Defendant.

CASE NO.: 1:18-CR-00614

JUDGE DAN AARON POLSTER

**DEFENDANT'S MOTION TO CONTINUE
FINAL PRETRIAL, TRIAL AND CUT-OFF
DATES**

NOW COMES the Defendant, John W. Gold, by and through his undersigned counsel, and hereby moves this Honorable Court for an Order, continuing the Final Pretrial, Trial and cut-off dates currently scheduled pursuant to Criminal Jury Trial Order at Doc. 14, for no less than 60 days, to serve the ends of justice. The reasons which more fully support this Motion are set forth below:

Defendant John W. Gold is charged with one count of Embezzlement Against an Estate, in violation of 18 U.S.C. § 153; one count of Bank Fraud, in violation of 18 U.S.C. § 1344(2); and, one count of Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A(a)(1). Counsel was appointed to represent Defendant on October 24, 2019 and served Assistant United States Attorney Carmen Henderson with a Discovery Request on October 25, 2019. Counsel is in receipt of discovery and requires additional time to thoroughly review all material with Defendant. This matter is currently scheduled for Final Pretrial on November 26, 2019 and Jury Trial on December 9, 2019.

Counsel needs more time to review discovery and prepare an adequate and effective defense for Mr. Gold, as well as to explore all possibilities of resolution for Mr. Gold's case. Accordingly, an enlargement of time is needed to ensure a proper and effective defense. The

defense respectfully submits that failure to grant a continuance would “deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

A court may continue a trial beyond statutory speedy trial limits where the ends of justice would be served. See: 18 U.S.C. § 3161 and *United States v. Greenup*, 401 F.3d 758 (6th Cir. 2005). Defendant respectfully suggests that a continuance of the trial will promote the ends of justice in that it will allow counsel sufficient time to prepare.

WHEREFORE, based on the foregoing, a reasonable continuance of the Final Pretrial, Trial and cut-off dates is requested. Defendant, John W. Gold, waives his right to a speedy trial under 18 U.S.C. § 3161 for a period of at least 60 days and to the extent and for the purpose of the requested continuance and submits that a continuance of this matter would serve the ends of justice.

Respectfully submitted,

/s/ Michael J. Goldberg

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2019, a true and correct copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

/s/ Michael J. Goldberg

Michael J. Goldberg (0040839)